

II. Remarks

A. Introduction

Upon entry of this Amendment, claims 1-32 and 34-43 are pending. Claim 24 is objected to because of a minor informality. Claim 5 stands rejected under 35 U.S.C. §112 paragraph 2 as indefinite. Claims 1-9, 13-22 and 24-35 stand rejected under 35 U.S.C. §103(a) as obvious in light of U.S. Patent Publication No. US 2003/0053612 to *Henrikson et al.* (hereafter "*Henrikson et al.*") and U.S. Patent No. 6,205,716 to *Peltz* (hereafter "*Peltz*"). Claims 10-12, 23 and 36-43 stand rejected under 35 U.S.C. §103(a) as obvious in light of *Henrikson et al.* in view of *Peltz* and U.S. Patent No. 4,965,819 to *Kannes* (hereafter "*Kannes*"). Claim 33 is cancelled. The claims, as amended, traverse the Examiner's rejections. No new claims or subject matter is presented.

B. Objection to Claim 24

Applicant has amended claim 24 to address the Examiner's objection. Applicant respectfully submits that the amendment traverses the Examiner's objection.

C. Rejection of Claim 5 Under 35 U.S.C. §112

Claim 5 as amended is definite.

D. Rejections Under 35 U.S.C. §103

1. Independent Claim 1

Independent claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. Applicant respectfully submits that at least the following limitations of independent claim 1 are not disclosed or suggested by the Examiner's proposed combination: "first means for coordinating provides a first notice of a conference; notice being provided for assuring participation by the first participant at a particular first means for participating identified in the first notice" and "second means for coordinating provides a second notice of the conference for assuring participation by a second participant at a particular second means for participating identified in the second notice." As explained below, *Henrikson et al.* fails to disclose or suggest at least the following requirements of independent claim 1: (1) more than one "means for coordinating" and (2) providing notice to assure participation by a particular participant at a "particular means for participating."

Claim 1 requires, *inter alia*, "first means for coordinating [that] provides a first notice of a conference" and "second means for coordinating [that] provides a second notice of the

conference.” Contrary to the requirements of claim 1 calling for a “first” and a “second means for coordinating,” *Henrikson et al.* discloses only one conference establishment server. In the Office action, the Examiner states that each site or terminal in *Henrikson et al.* “inherently has means for coordinating a conference.” However, *Henrikson et al.* teaches away from this assertion, stating in the abstract, for example, that the “conference establishment server coordinates the scheduling of a conference call.” (Emphasis added). Concerning the sites or terminals that the Examiner refers to as “inherently [having] means for coordinating a conference,” *Henrikson et al.* teaches otherwise, suggesting that sites or terminals may permit (1) requesting the conference establishment server to coordinate the scheduling of a conference call, (2) accepting or denying an invitation from the conference establishment server to join a proposed conference call or (3) participating in a confirmed conference call. However, such sites and terminals, as disclosed in *Henrikson et al.* do not coordinate the scheduling of a conference call. Rather, in *Henrikson et al.*, it is only the conference establishment server that coordinates.

Additionally contrary to the requirements of claim 1, *Henrikson et al.* does not disclose providing notice to assure participation by a particular participant at a “particular means for participating.” Instead, *Henrikson et al.* discloses notification that pertains only to the timing of the conference, but not the assignment of a particular participant to a “particular means for participating.” For example, *Henrikson et al.* states only that “participants are notified of the conference time and preferably have an opportunity to confirm availability at the conference time or suggest an alternate time” (*Henrikson et al.* at par. 6). Accordingly, *Henrikson et al.* does not disclose or suggest “first” and “second notices,” as recited in claim 1. *Henrikson et al.* fails to recognize the problem solved by Applicant, namely, the failure to efficiently direct a particular user to a particular one of a plurality of means for participating in a conference at a site.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

2. Independent Claim 5

Independent claim 5 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. Applicant respectfully submits that at least the following limitations of independent claim 5 are not disclosed or suggested by the Examiner’s proposed

combination: “means for coordinating provides notice to a participant for directing the participant to a particular means for participating.” As described above in response to the rejection of independent claim 1, *Henrikson et al.* fails to disclose more than one conference establishment server. Moreover, as described above in response to the rejection of independent claim 1, the only notice provided by the conference establishment server of *Henrikson et al.* pertains to the timing of the conference. *Henrikson et al.* does not disclose providing notice to a participant for directing the participant to a “particular means for participating.”

The Examiner acknowledges that *Henrikson et al.* does not disclose a plurality of “means for participating,” but cites *Peltz* to attempt to show such a plurality by showing a plurality of video teleconferencing (VTC) units. The Examiner also acknowledges that the notice provided by *Henrikson et al.* does not direct a participant to a “particular means for participating,” but asserts that it would have been obvious to provide such notice. Applicant respectfully disagrees with these assertions.

Absent Applicant’s invention, there is no such suggestion or motivation to modify the notice provided by *Henrikson et al.*, as suggested by the Examiner. In fact, *Peltz* is silent on the issue, not once reciting any “notice” or “notification.” Moreover, in the context of a plurality of VTC units, *Peltz* teaches away from providing a notice to a participant to use a particular VTC unit. In contrast, *Peltz* discloses that it doesn’t matter which one of a plurality of VTC units, is used by a participant. In other words, any VTC unit will do, according to *Peltz*, which states in the Summary of the Invention:

This invention can provide a telemedicine healthcare service that is open to the public. The patients would access this invention with a smart card (Charge cards such as MasterCard, VISA, or an insurance card, or HMO card, or other cards set up to enter the invention). These smart cards upon entering the invention would identify users as existing patients of an HMO, or independent insurance coverage, or as an independent user without insurance in need of a health assessment or diagnostic visit.

Thus, according to *Peltz*, the multiple VTC units are “open to the public.” And, it does not matter which of the VTC units a participant selects, because upon entering the invention, “smart cards would identify users.”

The Examiner has presented (1) *Henrikson et al.* which discloses neither a plurality of “means for participating,” nor providing notice directing a participant to a “particular means for participating” and (2) *Peltz* which discloses a plurality of “means for participating,” but teaches

away from providing notice directing a participant to a “particular means for participating” (and is actually silent on providing any notice at all). Therefore, Applicant respectfully submits that absent Applicant’s invention, there is no such suggestion or motivation to modify the notice provided by *Henrikson et al.*, as suggested by the Examiner.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

3. Independent Claim 6

Independent claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. Applicant respectfully submits that at least the following limitations of independent claim 6 are not disclosed or suggested by the Examiner’s proposed combination: “a plurality of sites, each site comprising: a respective multiplicity of first means, coupled to the means for communicating, for participating in a conference; and a respective second means for coordinating a conference, the second means physically distinct from the first means, the second means coupled to the means for communicating; wherein notice is provided to a participant to attend a conference, notice being provided by a particular means for coordinating of a particular site determined in accordance with the database to be nearest the participant at a time prior to the conference.”

Thus, claim 6 requires, *inter alia*, a “plurality of means for coordinating a conference.” As described above in response to the rejections of independent claims 1 and 5, *Henrikson et al.* fails to disclose more than one conference establishment server. *Peltz* does not rectify this shortcoming of *Henrikson et al.* Claim 6 also requires, *inter alia*, providing notice to a participant to attend a conference at a “particular site . . . nearest the participant ...” As described above in response to the rejections of independent claims 1 and 5, *Henrikson et al.*, by itself or combined with *Peltz*, does not disclose providing such notice.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

4. Independent Claim 9

Independent claim 9 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. Applicant respectfully submits that at least the following

limitations of independent claim 9 are not disclosed or suggested by the Examiner's proposed combination: "means for initiating communication to conduct the conference, communication being with the identified participant station; initiating being aborted if a signal is not received by the means for initiating from the identified participant station within a period after the start time."

The Examiner states in the Office action that *Henrikson et al.* teaches that "if confirmation is not received from, for example, required participants, a conference can be aborted." That is not what *Henrikson et al.* discloses. Instead, *Henrikson et al.* discloses that if (1) required participants do not confirm their intent to attend a conference and (2) if the conference requester has a timeout override option enabled, then (3) the override option automatically confirms as planned attendees those participants who failed to respond to a confirmation request within a predetermined amount of time. (*Henrikson et al.* at par. 27). That is, if a required confirmation is not received from a participant within a predetermined period of time, then the participant is confirmed. (*Id.*) Thus, Applicant respectfully submits that at least the limitations of claim 9 that "means for initiating communication to conduct the conference, communication being with the identified participant station; initiating being aborted if a signal is not received by the means for initiating from the identified participant station within a period after the start time" are wholly absent from the Examiner's proposed combination.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

5. Independent Claim 13

Independent claim 13 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. Applicant respectfully submits that at least the following limitations of a database as recited in independent claim 13 are not disclosed or suggested by the Examiner's proposed combination: "means for associating a conference identifier, a participant identifier, and indicia of a physical location where the participant is expected for participation in the conference corresponding to the conference identifier."

The Office action does not identify where the above-identified limitations from claim 13 are disclosed or suggested by the Examiner's proposed combination. In the last paragraph starting on page 4 of the Office action and ending on the next page, there is some discussion

regarding “location,” however this falls short of identifying how and where the Examiner’s proposed combination discloses or suggests a database comprising “means for associating a conference identifier, a participant identifier, and indicia of a physical location where the participant is expected for participation in the conference corresponding to the conference identifier.” Applicant respectfully submits that this is the case because the Examiner’s proposed combination does not disclose or suggest such a database. Thus, Applicant respectfully submits that at least the requirement of claim 13 for a database that comprises “means for associating a conference identifier, a participant identifier, and indicia of a physical location where the participant is expected for participation in the conference corresponding to the conference identifier” is wholly absent from the Examiner’s proposed combination.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

6. Independent Claim 16

Independent claim 16 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. Applicant respectfully submits that at least the following limitations of a database as recited in independent claim 16 are not disclosed or suggested by the Examiner’s proposed combination: “means for associating a conference identifier, an equipment identifier, and indicia of a physical location where the equipment is expected for participation in the conference corresponding to the conference identifier.”

The Office action does not identify where the above-identified limitations from claim 16 are disclosed or suggested by the Examiner’s proposed combination. In the last paragraph starting on page 4 of the Office action and ending on the next page, there is some discussion regarding “location,” however this falls short of identifying how and where the Examiner’s proposed combination discloses or suggests a database comprising “means for associating a conference identifier, an equipment identifier, and indicia of a physical location where the equipment is expected for participation in the conference corresponding to the conference identifier.” Applicant respectfully submits that this is the case because the Examiner’s proposed combination does not disclose or suggest such a database. Thus, Applicant respectfully submits that at least the requirement of claim 16 for a database that comprises “means for associating a conference identifier, an equipment identifier, and indicia of a physical location where the

equipment is expected for participation in the conference corresponding to the conference identifier” is wholly absent from the Examiner’s proposed combination.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

7. Independent Claim 17

Independent claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. As its primary basis for rejecting claim 17, the Office action sets forth a general reference to the Examiner’s prior statements (“see the rejection of claim 5”). The basis for rejecting claim 5 does not address every limitation of claim 17, as is required to establish a *prima facie* case of obviousness. This is evident from reviewing the basis for rejecting claim 5 in the Office action, which does not recite every limitation of claim 17 and does not provide a complete explanation of how the Examiner’s proposed combination discloses all recited limitations.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

8. Independent Claim 22

Independent claim 22 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. As its primary basis for rejecting claim 22, the Office action sets forth a request to see the rejection of claim 1. The basis for rejecting claim 1 does not address every limitation of claim 22, as is required to establish a *prima facie* case of obviousness. This is evident from reviewing the basis for rejecting claim 1 in the Office action, which does not recite every limitation of claim 22 and does not provide a complete explanation of how the Examiner’s proposed combination discloses all recited limitations.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

9. Independent Claim 26

Independent claim 26 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. As its sole basis for rejecting claim 26, the Office action sets

forth a request to see the rejection of claim 22. The basis for rejecting claim 22 does not address every limitation of claim 26, as is required to establish a *prima facie* case of obviousness. This is evident from reviewing the basis for rejecting claim 22 in the Office action, which does not recite every limitation of claim 26 and does not provide a complete explanation of how the Examiner's proposed combination discloses all recited limitations.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

10. Independent Claim 28

Independent claim 28 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. As its primary basis for rejecting claim 28, the Office action sets forth a request to see the rejections of claims 22, 24, 26 and 27. The bases for rejecting claims 22, 24, 26 and 27 do not address every limitation of claim 28, as is required to establish a *prima facie* case of obviousness. This is evident from reviewing the bases for rejecting claims 22, 24, 26 and 27 in the Office action, which do not recite every limitation of claim 28 and does not provide a complete explanation of how the Examiner's proposed combination discloses all recited limitations.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

11. Independent Claim 30

Independent claim 30 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. While not admitting the validity of this rejection, Applicant has amended independent claim 30 to include the limitations of claim 33 (now cancelled) and the limitation "wherein scheduling of the first conference is conditional on acceptance of a score based on a transit time associated with a participant of the first conference" from claim 34. In the Office action, the stated basis for rejecting claim 34 does not explain how the limitations from claim 34 that are now incorporated into independent claim 30 are disclosed or suggested by the Examiner's proposed combination. Applicant respectfully submits that the Examiner's proposed combination fails to disclose or suggest, *inter alia*, the limitation "wherein scheduling

of the first conference is conditional on acceptance of a score based on a transit time associated with a participant of the first conference” now incorporated into independent claim 30.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

12. Independent Claim 35

Independent claim 35 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz*. As its sole basis for rejecting claim 35, the Office action sets forth a request to see the rejection of claim 30. The basis for rejecting claim 30 in the Office action does not address every limitation of claim 35, as is required to establish a *prima facie* case of obviousness based on the Examiner’s proposed combination. This is evident from reviewing the basis for rejecting claim 30 in the Office action, which does not recite the limitations of claim 34 and does not provide any explanation of how the Examiner’s proposed combination discloses all recited limitations.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

13. Independent Claim 36

Independent claim 36 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz* and *Kannes*. Applicant respectfully submits that at least the following limitations of independent claim 36 are not disclosed or suggested by the Examiner’s proposed combination: “a step for coupling the conference participant stations for the video conference in accordance with whether use was detected at each station within a respective predetermined time that includes the start time.”

In the Office action, the Examiner admits that *Henrikson et al.* and *Peltz* do not teach the detection of the beginning of use of a station by a participant. However, the Examiner asserts that “[i]n almost any modern conference system, voice sensing means are old and well known, and are used so that even in a strictly audio conference, the participant presently speaking may be identified.” Even assuming for purposes of argument that the Examiner’s assertion is not incorrect, on its face, it says no more than: identifying the presently-speaking participant. It still does not disclose or suggest the cited limitations of claim 36, namely “a step for coupling the

conference participant stations for the video conference in accordance with whether use was detected at each station within a respective predetermined time that includes the start time.”

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

14. Independent Claim 40

Independent claim 40 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Henrikson et al.* in view of *Peltz* and *Kannes*. Applicant respectfully submits that at least the following limitations of independent claim 40 are not disclosed or suggested by the Examiner’s proposed combination: “a step for displaying at each station a remaining duration of the conference” and “a step for decoupling the conference participant stations to discontinue video conferencing in accordance with the end time.”

The Office action does not address or even mention the limitation of “a step for displaying at each station a remaining duration of the conference,” as recited in independent claim 40. On this basis alone, the Office action fails to establish a *prima facie* case for obviousness. Moreover, regarding the cited limitations from claim 40 of “a step for decoupling the conference participant stations to discontinue video conferencing in accordance with the end time,” the Office action states “[a]s to the decoupling limitation, especially when conferences are charged on a per-conference basis, such as would be contemplated by the self-service kiosks of *Peltz* discussed above, it would at least have been obvious for one of ordinary skill in the art to disconnect the participants.” Applicant respectfully submits that this assertion fails to demonstrate that *Peltz* or the Examiner’s proposed combination discloses or suggests the limitations from claim 40 requiring “a step for decoupling the conference participant stations to discontinue video conferencing in accordance with the end time.” *Peltz* does not disclose discontinuing a video conference in accordance with an end time. Rather, *Peltz* suggests that a video conference, such a doctor-patient consultation, continues until the participants are complete. Completion of the video conference in *Peltz*, such as in a doctor-patient consultation, is not defined by a set “end time,” but rather when the conference participants have completed their conference, e.g., when the doctor has completed consulting the patient.

Thus, the combination proposed by the Examiner does not disclose or suggest every limitation of the claimed combination. Therefore, the *prima facie* case has not been made and the rejection cannot stand.

E. Conclusion

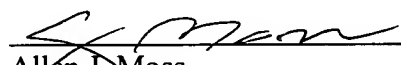
Reconsideration is respectfully requested. Applicant believes the case is in condition for allowance and respectfully requests withdrawal of the rejections and allowance of the pending claims.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to **Deposit Account No. 19-3878**. Applicant further reserves the right to prosecute broader claims in this application or any related application

The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Date: Sept. 27, 2004


Allen J. Moss
Reg. No. 38,567

SQUIRE, SANDERS & DEMPSEY L.L.P.
Two Renaissance Square
40 North Central Avenue, Suite 2700
Phoenix, Arizona 85004-4498
(602) 528-4839
290827